

Last update: September 21, 2004 at 6:39 AM

Rival parties support Independence Party's ballot bid

Conrad Defiebre

Star Tribune

Published September 21,
2004

As Independence Party lawyers scrambled Monday to challenge the removal of all their candidates from the Nov. 2 election ballot, support poured in from nearly all points on the political spectrum.

"The phone has been ringing off the hook and e-mails have been flying in," said IP Chairman Jim Moore. "The Greens have been very supportive. Democrats and Republicans say they may not vote for us, but we deserve to be on the ballot."

Democratic U.S. Rep. Betty McCollum said in a news release that the IP's problem shows that "we cannot take our open democracy for granted ... In this election, with so much at stake, Minnesota voters deserve to have all voices heard. As we witness Americans and Iraqis giving their lives for the prospect of democracy in Iraq, we need to defend the democratic process here in Minnesota."

Secretary of State Mary Kiffmeyer, the state's top election official, determined last week that none of the 26 IP candidates for Congress and the Legislature in last Tuesday's primary election reached a required 10 percent of the average vote total garnered in their districts by the party's statewide candidates in 2002. The ruling by Kiffmeyer, a Republican, was backed by DFL Attorney General Mike Hatch.

Under an obscure state law that some legislators thought was repealed in 1996, all of a major party's victorious primary election candidates advance to the general election ballot if even one of them achieves the 10 percent threshold. If no one does, the entire ticket is off the ballot.

Were it not for the one-qualifier provision, 53 members of the Minnesota House -- 40 Republicans and 13 DFLers -- would be off the November ballot for failure to hit the 10 percent mark last Tuesday. Another 100 DFL and GOP House hopefuls also failed to reach 10 percent.

Republican U.S. Reps. Mark Kennedy and John Kline missed 10 percent, too, by several thousand votes each.

Among prominent legislators who came up short are House Minority Leader Erik Paulsen, R-Eden Prairie; Republican Reps. Jim Knoblach, of St. Cloud; Marty Seifert, of Marshall, and Phil Krinkie, of Shoreview, and DFL Reps. Ann Lenczewski, of Bloomington, and Joe Opatz, of St. Cloud.

The IP candidate who came closest to pushing the party over the top was Brian Balfanz, of Maplewood,

who received 101 votes, 17 short of his threshold.

Low turnout

Turnout at the polls last Tuesday hit a record low for Minnesota, with only 250,000 voters, 6.7 percent of those eligible, casting ballots in a low-profile election with no statewide races.

The Green Party squeaked onto the November ballot when state House candidate Tom Taylor, of Minneapolis, got 66 votes more than the 100 needed for 10 percent. Another Green candidate, Glenn Kuehne, of Alexandria, hit 10 percent on the nose with 32 votes. The seven other Green candidates fell short.

"Democracy is supposed to be about giving voters choices," said Becki Smith, a Green Party legislative candidate from Minneapolis. Elimination of the IP, she added, "is a continuing attempt by the Minnesota Legislature, controlled by the 'duopoly' of Democrats and Republicans, to limit voters' choices by excluding dissenting voices."

But Sen. John Marty, DFL-Roseville, said that in enacting a bill he sponsored in 1996, the Legislature intended to repeal the 10-percent requirement.

The provision, he said, "made no sense, and there is a presumption that the laws make sense." Kiffmeyer and Hatch maintain that the repeal language was nullified by a U.S. Supreme Court ruling involving multiple party designations on ballots -- so-called "fusion" candidacies -- which was the chief topic of Marty's bill.

"The Supreme Court case had nothing to do with the 10 percent," Marty said. "I can't see how it was tied to the fusion thing."

In addition, he said, the bill explained that its amendments would expire in order to comply with the court decision. That, he added, "should give the court some ground to determine legislative intent."

Moore said the IP's legal challenge to Kiffmeyer would be filed by this morning, probably with the Minnesota Supreme Court. He said it would claim that the 10-percent requirement was repealed in 1996; that if it was not, it allows candidates to collect petitions to get back on the ballot; and also that it violates constitutional guarantees of equal protection.

Jesse Ventura carried the banner of an IP predecessor party to the governor's office in 1998, but its victories since then have been few and far between. The party has about 4,000 active members, Moore said, more than 100 of whom were delegates to its annual convention Saturday in Edina.

Conrad deFiebre is at cdefiebre@startribune.com.

© [Copyright 2004](#) Star Tribune. All rights reserved.